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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,566	10/31/2003	Pijush Dutta	020375-007810US	1580
20350	7590	10/06/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				STEELEMAN, MARY J
		ART UNIT		PAPER NUMBER
		2191		

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,566	DUTTA, PIJUSH	
	Examiner	Art Unit	
	Mary J. Steelman	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10/31/2003, 4/15/2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. Claims 1-5 are pending.

Oath/Declaration

2. A signed oath was received 15 April 2004.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It appears to Examiner that claim 1 is a method for grouping and identifying features. Where the result is what has been determined, calculated, etc. without using what has been determined calculated, etc in a disclosed practical application or at least making what has been determined, calculated, etc. available for use through some form of conveyance, such as a display, print, sound, transmission, etc., or at least temporary storage somewhere, the current guidelines is that a tangible result has not been achieved.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,199,068 B1 to Carpenter.

Per claim1:

A method for extracting business logic from computer code having a plurality of statements, the method comprising:

Carpenter disclosed extracting business logic at col. 11, line 1.

-examining the plurality of statements to identify a plurality of conditional statements and a plurality of action statements;

Carpenter disclosed (col. 6, line 12), “the input map defines a function of each component of the input file in terms of the canon being used, and the output map defines a function of each component of the output file in terms of the canon being used. The input and output maps further comprise attributes about canonical elements, modifiers for canonical elements having specific values, **conditional statements** that further define a function of the canonical elements having specific values, tokens that specify a format of the values in a particular map, and **actions** that specify the format of certain parts of a file.” (emphasis added)

Carpenter disclosed examining a plurality of action statements into Activity Plans (col. 11, lines 1-9).

-tagging the plurality of conditional statements and the plurality of action statements, wherein each conditional statement has an associated tag and each action statement has an associated tag;

-grouping the plurality of conditional statements and the plurality of action statements;

-generating a plurality of action sets based on the plurality of conditional statements, wherein each of the plurality of action sets includes an associated set of action statements;

Art Unit: 2191

-for each action set, identifying the associated set of action statements from the grouped plurality of action statements.

Carpenter disclosed (col. 5, line 39) a canonical mapper to translate an input file from an input domain to an output domain. Col. 5, lines 56-65, “the canonical mapper utilizes the input map and the output map to build a scanner/parser for the input file domain...re-interpreting a corresponding element in the canonical list such the corresponding element conforms to the output domain.” Col. 6, line 67, “the canon comprises an abstract template that describes a structure of the domain of information...each canonical element is an abstraction, and each division or part of each of the element is subsequently defined in terms of less abstract element.” Col. 6, line 12, “the input map defines a function of each component of the input file in terms of the canon being used, and the output map defines a function of each component of the output file in terms of the canon being used. The input and output maps further comprise attributes about canonical elements, modifiers for canonical elements having specific values, conditional statements that further define a function of the canonical elements having specific values, tokens that specify a format of the values in a particular map, and actions that specify the format of certain parts of a file.”

Per claim 2:

-each conditional statement is uniquely identified by its associated tag.

Carpenter disclosed (col. 5, line 66), “the canon comprises an abstract template that describes a structure of the domain of information (uniquely identified)...” col. 6, line 3, “each division or part of each of the element is subsequently defined in terms of less abstract elements until

resolving to a concrete element. The canonical elements are assigned attributes that define qualities of the canonical elements.”

Per claim 3:

-each action statement is linked to one or more corresponding conditional statements;
-wherein the associated tag for each action statement includes information relating to the conditional statement to which the action statement is directly linked, status information indicating a condition relating to the directly linked conditional statement under which the action statement is executed, and information relating to all linked conditional statements representing conditions under which the action statement is executed.

Carpenter disclosed (col. 29, line 41), “Relationships exist when a domain contains data that is dependent upon other data in the domain.” Col. 30, line 1, “The canonical elements may also be assigned **attributes that define certain qualities about those elements** (relating). For example, the attributes may include element types (e.g., group and result elements) and modifiers. Group elements are elements that contain children...” (emphasis added) Col. 30, line 11, “A Maps utility is included to create a map fro translating data from one format to another...These maps are based on the Canon for which the data conversion is needed...” Col. 3, line 33, “Building a map entails selecting each component of the input file and defining its function in terms of the Canon defined during the process of building a map. For example, group elements may have modifiers defined for them. A modifier is a **conditional statement** that further defines its function...” (emphasis added)

Per claim 4:

-the method is implemented using computer software.

Carpenter disclosed computer software at col. 10, line 51.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,199,068 B1 to Carpenter, in view of US Patent 5,742,827 to Ohkubo et al.

Per claim 5:

Carpenter failed to disclose:

-the method is implemented using COBOL.

However, Ohkubo disclosed (col. 5, line 43), "A syntax analyzing unit analyzes the program to form an interim expression which expresses the syntax structure and the data structure." Col. 6, line 55, "FIG. 9(a) shows a COBOL program that is to be converted."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Carpenter, using the teachings of Ohkubo to convert a COBOL program,

because Carpenter disclosed converting legacy programs, to reuse code, and COBOL programs are a type of legacy programs.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



09/28/2006